

1 MARK E. FERRARIO  
Nevada Bar No. 01625  
2 KARA B. HENDRICKS  
Nevada Bar No. 07743  
3 TAMI D. COWDEN  
Nevada Bar No. 08994  
4 **GREENBERG TRAUIG, LLP**  
10845 Griffith Peak Drive, Suite 600  
5 Las Vegas, Nevada 89135  
Telephone: (702) 792-3773  
6 Facsimile: (702) 792-9002  
7 Email: [ferrariom@gtlaw.com](mailto:ferrariom@gtlaw.com)  
8 [hendricksk@gtlaw.com](mailto:hendricksk@gtlaw.com)  
9 [cowdent@gtlaw.com](mailto:cowdent@gtlaw.com)  
10 *Counsel for Defendants, Clark County School*  
11 *District and Jesus Jara*

12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA**

14 CANDRA EVANS, individually and as parent to  
15 R.E., TERRELL EVANS, individually and as  
parent to R.E.,

16 Plaintiff,

17  
18 v.

19 KELLY HAWES, JOSHUA HAGER, SCOTT  
20 WALKER, JESUS JARA, CLARK COUNTY  
SCHOOL DISTRICT; and DOES 1 through 100;  
21 ROE ENTITIES 11 through 200, inclusive

22 Defendants.  
23

CASE NO.

**NOTICE OF REMOVAL OF  
ACTION PURSUANT TO  
28 U.S.C. § 1441 (a) and (b)**

24 ///

25 ///

26 ///

27 ///

28 ///

Pursuant to the provisions of 28 U.S.C. § 1441(a) & (b) and 28 U.S.C. § 1446, Defendants Clark County School District (“CCSD”) and Jesus Jara (collectively the “CCSD Defendants”), by and through their counsel, GREENBERG TRAURIG, LLP, file this Notice of Removal from the District Court of Clark County, Nevada, to the United States District Court for the District of Nevada. In support of removal, the CCSD Defendants state as follows:

1. The above-entitled action was commenced in the Eighth Judicial District Court, in and for Clark County, Nevada, Case No. A-22-862740-C, and is now pending in that Court (“State Court Action”).

2. Plaintiffs Candra Evans, individually and as parent to R.E., and Terrell Evans, individually and as parent to R.E., commenced the State Court Action by filing a Complaint (“Complaint”) on December 16, 2022. (A copy of the Complaint is attached hereto as **Exhibit A.**)

3. The Complaint was served on Defendant CCSD on December 20, 2022. The Complaint was served on Defendant Jesus Jara on December 20, 2022.

4. An Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction was filed in the State Court Action on December 16, 2022. A meeting was held in chambers on the Application for Temporary Restraining Order on December 20, 2022 prior to the service of the Complaint on any Defendants. During the meeting, the TRO was denied. A hearing on the Motion for Preliminary Injunction is scheduled in the State Court Action for January 3, 2023. A copy of the Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction is attached hereto as **Exhibit B**, however it was not properly served upon CCSD or Jara.

5. On its face, the Complaint alleges that the CCSD Defendants violated Title IX – 20 U.S.C. § 1681(A), and the First and Fourteenth Amendments of the U.S. Constitution.

6. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by the CCSD Defendants pursuant to 28 U.S.C. § 1441(a) and (b) in that it asserts alleged violations of 20

1 U.S.C. §1681(A), and the First and Fourteenth Amendments of the U.S. Constitution, and  
2 therefore presents federal questions.

3 7. This Court has jurisdiction over the Complaint's claims that arise under state  
4 law because federal questions predominate this action and the federal and state law claims  
5 arise from the same nucleus of operative fact and comprise but one constitutional case. See  
6 28 U.S.C. §§ 1367, 1441(c).

7 8. This Court is the proper venue for the removal of this action because it is the  
8 district court of the United States for the district and division embracing the place where the  
9 action is pending. See 28 U.S.C. § 1441(a).

10 9. Thirty days have not elapsed since the CCSD Defendants were served with the  
11 Complaint.

12 10. Pursuant to Section 28 U.S.C. § 1441, the CCSD Defendants are entitled to  
13 remove this action to this Court.

14 11. A true and correct copy of this Notice of Removal is being served on all named  
15 parties to this suit that have lodged an appearance in the State Court Action and filed this date  
16 with the Clerk of the Eighth Judicial District Court.

17 12. If any question arises as to the propriety of this removal, the CCSD Defendants  
18 request the opportunity to brief any disputed issues and to present oral argument in support of  
19 its position that this case is properly removable.

20 13. Nothing in this Notice of Removal shall be interpreted as a waiver or  
21 relinquishment of the CCSD Defendants' right to assert any defense or affirmative matter,  
22 including, but not limited to, the defenses of lack of jurisdiction over the person, improper  
23 venue, insufficiency of process, insufficiency of service of process, failure to state a claim,  
24 fraudulent joinder or any other procedural or substantive defense available to the CCSD  
25 Defendants.

26 ///

27 ///

28 ///

1 Based on the foregoing, the CCSD Defendants hereby remove the State Court Action  
2 to this Court. Respectfully submitted this 29<sup>th</sup> day of December 2022.

3 GREENBERG TRAURIG, LLP

4 By: /s/ Kara B. Hendricks

5 MARK E. FERRARIO

6 Nevada Bar No. 01625

7 KARA B. HENDRICKS

8 Nevada Bar No. 07743

9 TAMI D. COWDEN

10 Nevada Bar No. 08994

11 10845 Griffith Peak Drive, Suite 600

12 Las Vegas, Nevada 89135

13 Telephone: (702) 792-3773

14 Facsimile: (702) 792-9002

15 Email: [ferrariom@gtlaw.com](mailto:ferrariom@gtlaw.com)

16 [hendricksk@gtlaw.com](mailto:hendricksk@gtlaw.com)

17 [cowdent@gtlaw.com](mailto:cowdent@gtlaw.com)

18 *Counsel for Defendants, Clark County*  
19 *School District and Jesus Jara*

20  
21  
22  
23  
24  
25  
26  
27  
28  
GREENBERG TRAURIG, LLP  
10845 Griffith Peak Drive  
Suite 600  
Las Vegas, Nevada 89135  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

**CERTIFICATE OF SERVICE**

I hereby certify that on **December 29, 2022**, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive such service.

/s/ Evelyn Escobar-Gaddi

An employee of GREENBERG TRAURIG, LLP

GREENBERG TRAURIG, LLP  
10845 Griffith Peak Drive  
Suite 600  
Las Vegas, Nevada 89135  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

INDEX OF EXHIBITS	
EXHIBIT	DESCRIPTION
Exhibit A	Complaint
Exhibit 2	Ex Parte Application for Temporary Restraining Order and Motion for Preliminary Injunction

GREENBERG TRAURIG, LLP  
10845 Griffith Peak Drive  
Suite 600  
Las Vegas, Nevada 89135  
Telephone: (702) 792-3773  
Facsimile: (702) 792-9002